

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID COOKE,

Plaintiff,

vs.

No. **CIV 01-103 MCA/LFG**

**JIM CHAVEZ, d/b/a AJ'S TOWING,
BENITO ARAGON, and DOE #1,**

Defendants.

ORDER OF DISMISSAL WITH PREJUDICE

This matter comes before the Court on the Court's *sua sponte* inquiry regarding whether the only remaining Defendant in this case (Jim Chavez d/b/a AJ's Towing) is entitled to summary judgment for the reasons stated in the *Memorandum Opinion and Order* [Doc. No. 85] filed and entered on October 23, 2002. Having reviewed the pleadings, memoranda, and exhibits of record, the relevant law, and otherwise being fully advised in the premises, the Court finds that: (1) Defendant Chavez (d/b/a AJ's Towing) is the only remaining Defendant in this action; (2) Plaintiff was afforded notice and an opportunity to file a response showing why Defendant Chavez is not entitled to summary judgment under Fed. R. Civ. P. 56, and (3) no such response was filed in this matter within the fourteen (14) day period provided in the Court's *Memorandum Opinion and Order*. Accordingly, the Court determines that Defendant Chavez is entitled to summary judgment for the reasons

stated in the *Memorandum Opinion and Order* and that this action should be dismissed with prejudice.

IT IS, THEREFORE, ORDERED that summary judgment be and hereby is granted in favor of Defendant Jim Chavez d/b/a AJ's Towing.

IT IS FURTHER ORDERED that this action be and hereby is dismissed with prejudice with respect to all Defendants and all claims.

SO ORDERED this 8th day of November, 2002, in Albuquerque, New Mexico.

A handwritten signature in black ink, appearing to read "M. Christina Armijo", is written over a horizontal line.

M. CHRISTINA ARMIJO
UNITED STATES DISTRICT JUDGE